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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,158	12/17/2001	Carl R. Chapman	A-209	3204

919 7590 09/08/2003

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9  
EXAMINER

PURVIS, SUE A

ART UNIT

PAPER NUMBER

1734

DATE MAILED: 09/08/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/023,158

Applicant(s)

CHAPMAN ET AL.

Examiner

Sue A. Purvis

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 30 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 6 and 10-16 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 6 and 10-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

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## **DETAILED ACTION**

### ***Allowable Subject Matter***

1. The indicated allowability of claim 9 is withdrawn upon further consideration of the applicant's invention and the prior art. The rejection is detailed below. The allowability has been withdrawn because the instant specification details that a 'watertight' channel is used to collect liquid and lead it away from the machines interior. (See page 11.) This is done in Hubbard, used in the rejection below.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6 and 10-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paradis et al. (US Patent No. 5,569,327) in view of Hubbard et al. (US Patent No. 5,354,407).

Paradis discloses a mailing machine (1) including an envelope moistener and a sealer. (Figure 1.) Brushes (50) are used to moisten the flap of the envelope. The brushes (50) are positioned in a two portion moistening device with a floating assembly to monitor the amount of fluid in the device. (Col. 3, line 65 through Col. 4, line 7.) The mailing machine (1) includes a frame (46-1, 46-2) for supporting the various components of the moistening apparatus (20). The base (34) is mounted directly onto the frame (46-1, 46-2) and can be easily removed. (Col. 4, lines 53-61.)

Paradis does not disclose using a window for monitoring the amount of fluid in the tank.

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The "Background of the Invention" in Paradis discloses that visual observation can be used to ensure the water in the reservoir is above the minimum level if the reservoir tank is transparent or contains a transparent window which allows observation of the water level. In addition, even when water is observable, some form of fluid level detection is required to prevent the water level from inadvertently falling below the minimum level. (Col. 1, lines 36-48.)

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include a window in the device is Paradis, because, as taught in therein, it is within the purview of the artisan to have a means for observing the water level as well as another form of fluid detection.

Paradis does not disclose whether the moistening means and sealing means are in the same housing. In the "Background of the Invention," however, Paradis suggests that the moistening means and the sealing means are in typical mail handling machines. (Col. 1, lines 9-17.)

Hubbard discloses an apparatus for moistening and sealing an envelope flap. Hubbard also discloses a well (80) where the moistened pad (70) is held. The well (80) is watertight in order to guide the excess water to the fluid outlet tube (130).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to place both the moistening means and the sealing means in a single housing, because it is known in the art to do so as shown by Hubbard and suggested by the prior art introduced in Paradis. Furthermore, having both the moistening and sealing means in the same housing creates a more compact device and prevents the moistened flap from drying before

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it is pressed into place on the envelope. Regarding the watertight channel, this is taught to be a known feature in an envelope moistening device as shown in Hubbard.

Regarding claims 10 and 15, both Paradis and Hubbard disclose generally U-shaped cross-sections for their tanks.

Regarding claim 11, Paradis comprises a reservoir made up of two portions, one portion includes wicking material in the form of brushes (50) and the other portion is where the user refills the reservoir (105). (Figures 4 and 5; Col. 5, lines 31-41.)

Regarding claim 12, Paradis teaches the tank is easily removable.

Regarding claims 13 and 14, it is within the purview of the artisan to place the window for checking the level of water on the portion which the user has to refill the water. This allows the user to easily verify if a sufficient amount of water has been added to the reservoir.

4. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Paradis in view of Hubbard as applied above, and further in view of DeFiguerido (US Patent No. 5,674,348).

Paradis in view of Hubbard discloses an elongate brush (50) and a brush holder (60). The brush (50) is positioned within a housing (60). The brush (50) is held in position by a tab (58) located on the cover (90). (Col. 4, lines 18-52.)

Paradis in view of Hubbard does not discuss replacing the brush, but does include a tab (58) which holds the brush (50) in position.

DeFiguerido discloses using a wick (60) which may be replaced simply by lifted guard (68), grasping and withdrawing the wick, inserting a new wick and snapping the guard back into recess (69). (Col. 2, line 50 through Col. 3, line 2.)

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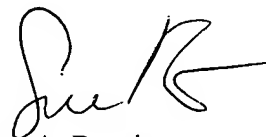
It would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the brushes in Paradis in view of Hubbard as done in DeFiguerido, because over a period of time brushes wear out and need to be replaced. While Paradis does not disclose replacing the brush through the opening of the cover, it is within the purview of the artisan to do so, because the brush in Paradis is held in place by a tab. In DeFiguerido, a guard is removed and then replaced in order to replace the wick, since a tab is used to hold the brush in place, it is within the purview of the artisan to use a flexible tab or a moveable tab to allow the brush to be removed in the device of Paradis.

*Conclusion*

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Purvis whose telephone number is 703-305-0507. The examiner can normally be reached on Monday through Thursday 8am to 5pm.

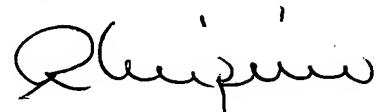
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rick Crispino can be reached on 703-308-3853. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-1495.



Sue A. Purvis  
Examiner  
Art Unit 1734

sp  
August 29, 2003



RICHARD CRISPINO  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700